

United States Court of Appeals for the Second Circuit
Thurgood Marshall U.S. Courthouse
40 Foley Square
New York, NY 10007

DENNIS JACOBS
CHIEF JUDGE

CATHERINE O'HAGAN WOLFE
CLERK OF COURT

Date: April 26, 2013
Docket #: 13-1320
Short Title: Samserv, Inc. v. Sykes

DC Docket #: 09-cv-8486
DC Court: SDNY (NEW YORK
CITY) DC Docket #: 09-cv-8486
DC Court: SDNY (NEW YORK CITY)
DC Judge: Chin

NOTICE OF DEFECTIVE FILING

On April 25, 2013 the **OPPOSITION TO MOTION for leave to appeal** was submitted in the above referenced case.

The document does not comply with the FRAP or the Court's Local Rules for the following reason(s):

- _____ Failure to submit acknowledgment and notice of appearance (*Local Rule 12.3*)
- _____ Failure to file the Record on Appeal (*FRAP 10, FRAP 11*)
- _____ Missing motion information statement (*T-1080 - Local Rule 27.1*)
- _____ Missing supporting papers for motion (e.g, affidavit/affirmation/declaration) (*FRAP 27*)
- _____ Insufficient number of copies (*Local Rules: 21.1, 27.1, 30.1, 31.1*)
- _____ Improper proof of service (*FRAP 25*)
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 - _____ Served to an incorrect address
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- _____ Not Text-Searchable (*Local Rule 25.1, Interim Local Rules 25.2*), click [here](#) for instructions on how to make PDFs text searchable
- _____ Failure to file appendix on CD-ROM (*Local Rule 25.1, Interim Local Rules 25.2*)
- _____ Failure to file special appendix (*Local Rule 32.1*)
- _____ Defective cover (*FRAP 32*)
 - _____ Incorrect caption (*FRAP 32*)
 - _____ Wrong color cover (*FRAP 32*)
 - _____ Docket number font too small (*Local Rule 32.1*)
- _____ Incorrect pagination, click [here](#) for instructions on how to paginate PDFs (*Local Rule 32.1*)
- _____ Incorrect font (*FRAP 32*)
- ☒ **Oversized filing (*FRAP 27 (motion), FRAP 32 (brief)*)**
- _____ Missing Amicus Curiae filing or motion (*Local Rule 29.1*)

☐ Untimely filing
☒ **Incorrect Filing Event**
☒ **Other: Wait for a decision to be rendered regarding the *MOTION*, to file oversized brief and then re-file your response, using the appropriate event category, accordingly.**

Please cure the defect(s) and resubmit the document, with the required copies if necessary, no later than **April 29, 2013**. The resubmitted documents, if compliant with FRAP and the Local Rules, will be deemed timely filed.

Failure to cure the defect(s) by the date set forth above will result in the document being stricken. An appellant's failure to cure a defective filing may result in the dismissal of the appeal.

Inquiries regarding this case may be directed to (212) 857 - 8508.